



# Convention on the Rights of Persons with Disabilities

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## Conference of States Parties to the Convention on the Rights of Persons with Disabilities

### Second session

New York, 2 to 4 September 2009

### Summary record of the 1st meeting

Held at Headquarters, New York, on Wednesday, 2 September 2009, at 10 a.m.

*President:* Mr. Heller ..... (Mexico)

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*The meeting was called to order at 10.15 a.m.*

### Opening of the meeting

1. **The President** said that the pace at which Member States were signing and ratifying the Convention on the Rights of Persons with Disabilities demonstrated the international community's commitment to promoting and protecting the full enjoyment of all human rights and basic freedoms by such persons. Since the last session of the Conference of States Parties, a further 20 States had become parties to the Convention; in addition, the Committee on the Rights of Persons with Disabilities had held its first meeting, at which it had appointed a chairperson and bureau and had adopted a declaration and various decisions. The 2009 Conference would focus on the legislative measures adopted by States Parties in implementation of the Convention.

2. **Ms. Migiro** (Deputy Secretary-General), noting that a significant number of countries had already adopted new legislation and policies or modified existing legislation in order to bring it into line with the Convention, said that such measures and their enforcement were integral to the implementation of that instrument. She urged all Member States to continue efforts with a view to signing, ratifying and implementing the Convention and its Optional Protocol without delay. The United Nations stood ready to support those efforts at the international, regional and national levels, including through the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities, which was finalizing a draft common strategy and plan of action.

3. **Mr. Stelzer** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs) said that the Department of Economic and Social Affairs, in collaboration with other United Nations entities, would continue to support the Member States' efforts to sign and ratify the Convention. The high-level panel would provide an opportunity to discuss legislative measures to implement the Convention as a challenging and important first step towards protecting and promoting human rights and development for all persons, with or without disabilities. He also looked forward to the round tables, which would help build the capacities of all participants through, inter alia, the sharing of best practices for implementation of the Convention. In Member States' concerted efforts to implement the Convention, inequity and discrimination against

persons with disabilities must be addressed within an integrated development and human rights framework.

4. **Ms. Neuwirth** (Office of the High Commissioner for Human Rights) recalled that the Convention viewed disability as a pathology of society, focusing on the environmental and societal conditions that made a society inclusive or not. The recognition of disability as a human rights issue required dispassionate reflection on the measures needed to give effect to the Convention at the national level. While most of that burden fell on States, the current high-level discussion should not be seen in isolation from previous developments in the context of human rights mechanisms; States could continue to rely on the support of the Office of the High Commissioner for Human Rights (OHCHR).

5. The Committee on the Rights of Persons with Disabilities, which would hold its second meeting in October 2009, would discuss measures taken in implementation of the Convention with States Parties once they had submitted their first reports under article 35 of the Convention in 2010. In addition, the Human Rights Council was actively advancing the goals of the Convention within the United Nations system, particularly through its annual debate on the rights of persons with disabilities. In support of its March 2009 debate on legislative measures for the implementation of the Convention, OHCHR had developed a thematic study which participants had before them. In its resolution 7/9 of March 2009, the Council had recommended that that study should be considered when designing and implementing measures for the promotion and protection of the rights of persons with disabilities. A second study on national frameworks for monitoring and implementation was being prepared and a second interactive discussion was planned for March 2010.

6. **Mr. Al-Tarawneh** (Committee on the Rights of Persons with Disabilities) said that the Committee had made steady progress towards full operational capacity. In addition to electing its bureau, it had drafted working copies of core documents such as reporting guidelines, rules of procedure and working methods, which were expected to be adopted and to enter into force at the Committee's October 2009 session, after which it would be ready to consider and provide feedback based on the first 20 reports by States Parties, to be submitted starting in May 2010.

7. States that had adopted a “dualistic approach” — that is, those which could not implement directly the international human rights treaties to which they were a party or invoke them before the courts and public institutions — must actively adopt legislation to incorporate the Convention into the domestic law. Under article 27 of the Vienna Convention on the Law of Treaties, States could not invoke the provisions of their internal law as justification for their failure to perform a treaty; moreover, reservations made by States Parties that adopted a dualistic approach might present challenges regarding compatibility with the aforementioned article. In any event, ratification and full incorporation of the Convention into the legal system was only a first step; its full implementation would require a proactive approach by States parties and combined efforts at the national and international levels, taking into account the provisions of article 37 of that instrument.

8. Any definition of disability adopted at the national level should be consistent with the Convention and should include mention of the various types of disabilities that resulted from the legal, physical and attitude-related barriers found within society. In the area of criminal law, recognition of the legal capacity of persons with disabilities required abolishing a defence based on the negation of criminal responsibility because of the existence of a mental or intellectual disability. Instead, disability-neutral doctrines on the subjective element of crime should be applied, taking into consideration the situation of the individual defendant. In addition, laws authorizing the compulsory interning of persons with certain types of disability must be abolished and detention laws which led to the restriction of liberty must be defined neutrally so as to be applicable to all persons equally. Lastly, it was important to ensure the consultation and active inclusion of persons with disabilities throughout the process of implementing the Convention.

9. **Mr. Strömberg** (International Disability Alliance) said that legislative measures played a key role in the Convention’s implementation. In that connection, he looked forward to the round tables to be held during the Conference, which would address major challenges and gaps in the implementation process thus far. Significant change required the involvement of all stakeholders. None of the challenges posed by the implementation process should be met with reservations or interpretative declarations

seeking to change the meaning of what had been agreed by all States and supported by the disability community. He therefore urged States to ratify the Convention without reservations or to withdraw any reservations that they had already made.

10. In order to increase support for implementation, one of the outcomes of the current session of the Conference should be the establishment of an intersessional working group to prepare a technical implementation guidance document on one of the specific issues addressed at the present session. A process should be set up whereby States parties could submit contributions to the working group and subsequently provide feedback on the guidance document prior to its submission to the 2010 session of the Conference.

11. While the International Disability Alliance was surprised by the relatively small number of changes that had resulted from the Convention’s entry into force, it was of greater concern that the adjustments made in some countries were inconsistent with the Convention and that many Governments remained unaware of the fundamental changes required in order to implement the Convention. Without reinforced capacity at the national level, the Convention could not be fully implemented. The United Nations system needed to step up promotion of the Convention through a wide range of measures, including the establishment of a fund to promote implementation at the national level; it should also promote the mainstreaming of the rights of persons with disabilities throughout the United Nations system and provide for the participation of representative organizations of persons with disabilities in its decision-making structure. He would welcome feedback and support from States parties regarding the establishment of such a fund.

12. It was important to ensure that all the United Nations specialized agencies, funds and programmes were engaged in the promotion of the rights of persons with disabilities. The Conference of States Parties and the General Assembly should make a clear statement that the Convention was the superseding instrument in the field of disability and that all previous United Nations instruments and documents that were inconsistent with its provisions should be revised or no longer used as reference documents.

13. He urged the swift adoption of the guidelines for United Nations country teams on mainstreaming the

rights of persons with disabilities, which were being prepared by the Inter-Agency Support Group. Lastly, the pace at which the Convention was being ratified was such that the number of experts on the Committee was expected to increase from 12 to 18 by the Conference's next session; he therefore proposed that the 2010 session of the Conference should comprise six meetings over three full days or be extended to four days. Such an arrangement would allow two meetings to be devoted to the election of Committee members and four meetings to substantive discussion. Candidates for election to the Committee should be given time, prior to the actual election, to address the Conference of States Parties and to provide information on their expertise in the area of human rights and disability.

#### **Adoption of the agenda (CRPD/CSP/2009/1)**

14. *The agenda was adopted.*

#### **Organization of work**

##### *Accreditation of non-governmental organizations (DSPD-09/00237)*

15. **The President** drew attention to note No. DSPD-09/00237, which contained the names of non-governmental organizations (NGOs) that wished to be accredited by the Conference. He took it that the States parties wished to accede to those requests.

16. *It was so decided.*

##### *Participation of national human rights institutions (DSPD-09/00255)*

17. **The President** drew the attention of States parties to note No. DSPD-09/00255, which contained the names of national human rights institutions that wished to participate in the Conference. He took it that the States parties wished to accede to those requests.

18. *It was so decided.*

#### **Matters related to the implementation of the Convention**

##### **(a) High-level panel on the theme "Legislative measures to implement the Convention on the Rights of Persons with Disabilities"**

19. **Prince Al-Hussein** (Jordan), Acting Vice-President, said that Jordan had taken steps to bring its

domestic law into line with the Convention and, in accordance with article 4, paragraph 1 (b), of the Convention, had established a working group responsible for identifying laws and practices that discriminated against persons with disabilities with a view to their modification or abolishment. With regard to mainstreaming of the protection and promotion of the human rights of persons with disabilities in all policies and programmes, Jordan had adopted a National Strategy for the Affairs of Persons with Disabilities (2007-2015) and had established the Higher Council for the Affairs of Persons with Disabilities, an independent State-funded public entity which he headed, to monitor its implementation. The Council included representation of the Government, NGOs, experts and persons with disabilities. A national conference was to be held in November 2009 in order to review progress made during the first phase of the strategy. Persons with disabilities, through their representative organizations, had been consulted during the development of relevant legislation and of the National Strategy.

20. In compliance with article 33 of the Convention, the Cabinet of Ministers had appointed the Higher Council as the Government's focal point mandated to implement the Convention at the inter-ministerial level. Furthermore, the National Centre for Human Rights had established an independent committee to monitor implementation of the Convention at the national level.

21. **Ms. Mayende-Sibiya** (South Africa), Acting Vice-President, said that South Africa had adopted specific measures to improve accessibility and achieve truly inclusive education and enhanced quality of life for persons with disabilities. Recognizing the integral relationship between poverty and disability, her Government provided social grants to groups classified as vulnerable, including persons with disabilities. It strove to create an enabling economic and political environment for such persons through policy initiatives and special provisions by bodies such as the Independent Electoral Commission.

22. All of South Africa's police stations were being made accessible to persons with disabilities; special needs education was being implemented through a 20-year programme (2001-2021) with short-, medium- and long-term steps; and free health care and access to assistive devices gave eligible persons with disabilities access to a basket of services, including specialized care.

23. The State recognized the integral relationship between poverty and disability and provided social grants to vulnerable groups. One such grant provided specifically for persons who required regular attendance by others. Various policy initiatives had created an economically enabling environment for persons with disabilities; for example, 4 per cent of the students in training programmes offered under the Skills Development Act must be persons with disabilities. In the 2009 national elections, provision was made for voters who, owing to a disability, could not use the voting stations and blind people were able to vote in Braille.

24. The upcoming 2011 census would use questionnaires that accommodated the needs of persons with disabilities and all the articles of the Convention would be translated into policy objectives to be adopted by all partners, including Government and civil society. The Government had undertaken to gather data on persons with disabilities for use in public planning and in the preparation of needs assessments. A Ministry for Women, Children and Persons with Disabilities had been established with a mandate to advance the rights of those groups through monitoring and evaluation, mainstreaming and policy coordination.

25. However, those policies were weakened by the failure of implementers to develop implementation mechanisms and to establish a budget for policy execution. Government departments often neglected to treat as priority or to allocate adequate funding to those policies owing to their failure to understand needs from a human rights perspective. A disability database, so crucial to development, was also lacking.

26. **Ms. Kachere** (Malawi) stressed the critical importance of international cooperation for the full implementation of the Convention. The Government of Malawi had taken a number of measures to make the goals of the Convention a reality, including by establishing a Ministry of Persons with Disabilities and the Elderly; a policy on the equalization of opportunities for persons with disabilities had been launched in 2006 and would mainstream disability issues into all development programmes. Parliament would soon consider a bill to give legislative effect to that policy.

27. The Government had intensified its implementation of community-based rehabilitation,

including access to loans, credit and income-generating activities, agricultural inputs and the provision of assistive devices, in order to enhance the effective participation of persons with disabilities in wealth creation activities, reduce poverty and generate economic growth and development.

28. **Mr. Keya** (Kenya) said that although Kenya's Constitution did not make express provision for the rights of persons with disabilities, a Committee of Experts had been appointed to review that instrument, in consultation with organizations of and for persons with disabilities, in order to ensure that the right of all persons to self-determination and equal recognition before the law, and to all the rights and freedoms set out in the State's Bill of Rights, were reflected in the ongoing constitutional reform and that the new Constitution would be fully sensitive and responsive to the rights of persons with disabilities.

29. The 2003 Persons with Disabilities Act guaranteed the rights, rehabilitation and equal opportunity of such persons and had established the National Council for Persons with Disabilities. However, because some provisions of the Act required amendment in order to meet the standards set in the Convention, a persons with disabilities (amendment) bill had been drafted and was awaiting publication and introduction in the National Assembly. The 2001 Children's Act outlawed discrimination against children on grounds of disability, provided for equal access to education for such children and stipulated that children with disabilities who were accused of having infringed any law must be given special care and treated with the same dignity as children without disabilities. The 2006 Sexual Offences Act, which extended special protection where the alleged victim of an offence was a person with a mental disability, was under review in order to ensure consistency with article 12 of the Convention. The National Children's Policy, the National Policy on Persons with Disabilities, the Special Needs Education Policy and the National Social Protection Policy also had a bearing on the rights of persons with disabilities.

30. As a developing country, Kenya must face many challenges with limited resources. His Government was committed to full implementation of the Convention, including through international cooperation and partnerships, and was proud to have achieved so much in such a short time. It recognized the important role played by organizations of and for persons with

disabilities and their right to be fully involved in the implementation and monitoring of the Convention through effective structures.

31. **Ms. Rauh Hornungne** (Hungary), Acting Vice-President, said that Hungary, which had 577,000 persons with disabilities, had been the first State to ratify both the Convention and its Optional Protocol and was working to incorporate the Convention into domestic law. Prior to its adoption, the issue of disability had been governed by the Disability Act and monitored by an advisory body, the National Disability Council. However, the Convention had become the standard used in settling relevant legal and professional disputes and had given impetus to initiatives that would otherwise have been pursued more slowly or differently, including redefinition of the concept of legal capacity; legislative amendments aimed at ensuring equal access and accessibility, including for tourists; and regulations in the areas of sign language, interpretation and education.

32. It was important to bear in mind that the Convention was not an action plan. Its purpose was to provide States with guidance in the field of disability policy. Through intergovernmental, professional and political cooperation, progress could be made at the international as well as the national level; the first crucial step should be ratification on as wide a scale as possible. Incorporation of the rights set forth in the Convention into national policy represented a genuine social investment since what was beneficial in the short term for people living with disabilities would, in the long term, benefit society as a whole.

33. **Mr. Buntan** (Thailand) expressed the hope that the Conference would provide an opportunity to share knowledge, experience, ideas and best practices on implementation of the Convention. Although Thailand had been actively involved in drafting that instrument, it had been unable to ratify it until July 2008 because its legal system required the enactment of amendments to domestic law as a prerequisite for accession. Through campaigning on the street, in parliament and with the Prime Minister and his Cabinet, the constitutional drafting council had been convinced to include disability issues, including a prohibition of discrimination based on disability, in the new Constitution. The 2007 Persons with Disabilities Empowerment Act and the 2008 Persons with Disabilities Education Act, both with implementing rules and regulations, had been adopted and 20 other

acts, both new and amended, had been made disability-inclusive and -friendly. The two new Acts sought to increase the participation of persons with disabilities and their representative organizations in the National Committee for Empowerment of Persons with Disabilities and the National Committee for Education of Persons with Disabilities. They redefined disability based on a social model; prohibited discrimination on grounds of disability; improved access to education, employment, health and rehabilitation services; and promoted the use of information, communication and assistive technologies.

34. As a person with a disability, he had the opportunity to work with disability communities in Thailand to improve the State's legislation. Two new acts had recently been adopted unanimously in both houses of parliament: one provided tax deductions for parents and caregivers of disabled persons in need of special care in order to decrease the need for institutionalization, while the other required that the Office of the Ombudsman make its public information available in accessible formats in order to give persons with disabilities better access to justice.

35. The road to full implementation of the Convention was long and Thailand was not a rich country, but all sectors of society stood ready to cooperate. In particular, government agencies were increasingly recognizing the role of persons with disabilities and their representative organizations, thus facilitating the dissemination of disability-related policies. He invited Thailand's friends and partners at the international and regional levels to work tirelessly towards full, effective implementation of the Convention.

36. **Mr. McMullan** (Australia) said that his Government recognized the need to change the way in which persons with disabilities were viewed and treated and to focus on disability as a human rights issue. Ratification of the Convention provided States with a substantive and symbolic opportunity to raise awareness of the right of such persons to live life to their full potential.

37. His Government had undertaken a comprehensive review of its domestic law in order to ensure full implementation of the Convention and had found that no completely new legislation was necessary, although existing legislative and policy mechanisms had been strengthened. However, legislation alone could not

mandate social change; new attitudes and practices were needed in order to remove the barriers that prevented persons with disabilities from achieving their full potential, promote social inclusion and reduce the stigma attached to disability. To that end, Australia was developing a national disability strategy with a view to the effective delivery of policy support and guidance and to the mainstreaming of disability issues.

38. Because laws and policies were of limited use in the absence of monitoring and enforcement, as required under article 33 of the Convention, the Australian Human Rights Commission had been empowered to exercise its conciliation powers in response to any allegation of violation of the Convention by the Government, to prepare guidelines for avoidance of such violations and to report to the Attorney-General on implementation of the Convention in Australia. As an independent advocate, the Commission performed a vital role in promoting rights and educating the wider community.

39. Australia was also committed to leadership in the area of disability at the international and regional levels and was determined to make the issue a central feature of its overseas aid programme through measures that would improve the quality of life of persons with disability, build the capacities of disabled persons' organizations and help its partner countries in Asia and the Pacific to implement the Convention as a condition for achievement of the Millennium Development Goals. Its new international development assistance strategy, Development for All, had been prepared with active input from persons with disabilities in developing countries; in striving for best practices in implementation of the Convention, it was imperative to look to those who knew best: persons with disabilities.

40. **Mr. Villa** (Chile) said that achieving the full, effective participation of persons with disabilities in society required political will on the part of States, efficient institutions and technically and culturally appropriate practices for implementation. Chile had recently begun modernizing its national disability policy and planned to develop a national social inclusiveness plan for the period 2010 to 2018. The plan would include indicators and parameters for establishing starting points and goals and providing follow-up. The institutional framework for its coordinated implementation was being revised and strengthened on the basis of draft legislation that

embodied the principles of the Convention; he hoped that it would be adopted by parliament in the near future. Within the framework of the Organization of American States (OAS), Chile had made a proposal concerning parameters for establishing starting points, setting goals and measuring progress by States in compliance with the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

41. A key aspect of follow-up on and evaluation of compliance with commitments was empirical observation of the inclusion and social integration of persons with disabilities. Chile planned to develop a national inclusiveness certificate to be awarded based on evidence of advancing the rights of persons with disabilities to Government departments in the first phase and, later on, in other environments as well. Lastly, profound cultural change was needed in order to revolutionize the way in which disability was dealt with; action plans should incorporate a strategy for change management in order to ensure that the Convention's ultimate goals were not neglected.

42. **Ms. Retana Salazar** (Costa Rica) said that her Government had taken steps to protect the rights of persons with disabilities, especially in the development of its legal system. Since establishing the National Council for Rehabilitation and Special Education in 1973, Costa Rica had enacted legislation on equal opportunity for persons with disabilities; taken steps to accommodate those persons in the electoral process; and reaffirmed the National Council as the institution responsible for developing policy in respect of persons with disabilities. Draft legislation that would give the Council the tools to address new challenges in protecting the rights of persons with disabilities was being prepared in consultation with civil society.

43. **Ms. Tiramonti** (Argentina) said that in accordance with article 33 of the Convention, the National Advisory Committee for the Integration of Persons with Disabilities had been designated as the Government body responsible for overseeing implementation of the Convention and the National Observatory on Disability had been established as a coordination mechanism to facilitate the adoption of related measures at all levels.

44. Argentina had taken a number of specific actions, most recently through the adoption of a programme on gender and disabilities involving the Government and

NGOs, in order to raise awareness about and to promote the objectives of the Convention. All Government agencies were obliged to report regularly on progress in ensuring exercise of the rights of persons with disabilities, and pilot projects had been launched in all the provinces with a view to changing attitudes and preventing discrimination against such persons. Areas of improvement included access to accommodation, inclusive education and rural and cultural life.

45. **Ms. Arabian Couttolen** (Mexico) said that Mexico had undertaken a number of legislative reforms designed to ensure implementation of the Convention, including revision of the first article of the Constitution to prohibit all forms of discrimination, including on the basis of disability, and the adoption of a federal act that introduced a new obligation to adopt preventive, rather than simply remedial, measures, to combat discrimination. The 2005 General Act for Persons with Disabilities had created the National Council for Persons with Disabilities as the coordination mechanism for relevant public policies and had established guidelines for the adoption of measures pursuant to international human rights treaties that referred to persons with disabilities and had been ratified by Mexico. One remaining challenge was the continued alignment of federal and local laws with the Convention. The National Programme on Human Rights and the National Programme for the Development of Persons with Disabilities (2009-2012) had been designed to address that issue.

46. **Mr. McLay** (New Zealand), Acting Vice-President, said that his Government had asked the recently established Ministerial Committee on Disability Issues to identify a possible focal point within the Government to overcome policy overlaps, conflicts and gaps and a mechanism to coordinate actions across sectors and levels in accordance with article 33 of the Convention. The Ombudsmen system, the Human Rights Commission and other mechanisms were the national institutions that protected and promoted human rights.

47. New Zealand had committed itself to involving persons with disabilities in the implementation of the Convention and was exploring ways of doing so. Government agencies should involve persons with disabilities, their families and civil society in any developments that might affect them; in that connection, the Government had begun holding

discussions with representative organizations on appropriate approaches to the issue. It planned to develop a guide to the existing legislative requirements on reasonable accommodation and was reformulating its post-census statistical survey on people with disabilities in order to focus more on ordinary life outcomes with a view to the development of indicators. It was also considering how publicly funded support could give persons with disabilities choices and control over their lives so that they could participate in society.

48. **Mr. Grauls** (Belgium) announced that as proof of its commitment to human rights, his Government planned to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It had also established the post of Secretary of State for Social Affairs with a mandate for disability issues. The Convention was a mechanism for translating the principles enshrined in the Universal Declaration of Human Rights into action and for establishing effective monitoring mechanisms. Belgian law had already included a general prohibition of discrimination against persons with disabilities but, after ratifying the Convention, the Government had undertaken to introduce additional implementing legislation, including with regard to the legal status of such persons and their right to an education and access to information.

49. **Mr. Ney** (Germany) said that his Government had ratified the Convention and its Optional Protocol without any reservation or interpretative statement because it considered respect and support for the rights of persons with disabilities to be of the utmost importance. Since financial and economic crises had the greatest impact on vulnerable persons, ways must be found to ensure that State programmes for persons with disabilities were not suspended owing to a lack of funding. Moreover, parliamentary action that integrated persons with disabilities into society in the spirit of the Convention should be perceived as a gain, not a burden on the general public.

50. Representatives of civil society had been involved in the process leading to ratification of the Convention. Stakeholder involvement had generated public debate on new policies and had created momentum for implementation at the regional and local levels. Since ratification, his Government had initiated new legislation focusing on education, empowerment, awareness-raising, employment, self-determined living and accessibility.

51. Employment was indispensable to self-reliance, yet an alarmingly high percentage of disabled persons worldwide were unemployed or underpaid. The German parliament followed a "supported employment" model and had found it most promising first to look for positions that persons with disabilities could fill, and then to help the person hired to develop the necessary skills by providing a job coach to explain work procedures and to facilitate cooperation between workers with disabilities and their colleagues.

52. Parliamentary efforts had shifted from providing special services to viewing persons with disabilities as individuals and helping them to lead self-determined lives. Such persons had a right to a personal allowance, provided from public funds, that they could spend as they wished; for example, they could choose their own rehabilitation treatment. New regulations required that all new building projects, including hotels, must have special features for the disabled. The Government also planned to launch an action plan aimed at further implementing the Convention at all levels of society and, with the help of civil society, to scrutinize federal, state and community laws in order to find areas where further effort was needed.

53. **Ms. Dunlop** (Brazil) drew attention to a recent proposal put forward in the World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights. The proposal would establish a workplan with a view to the development of an international instrument securing WIPO member States' formal recognition of and commitment to mandatory exceptions and limitations to copyrights for persons with disabilities, libraries and archives and educational activities. In that connection, Brazil had co-sponsored in the Standing Committee a draft WIPO treaty for improved access for blind, visually impaired and other reading disabled persons. The draft instrument's purpose was to provide the necessary minimum flexibility in laws governing the rights of authors and copyright in order to ensure full, equal access to information and communication for visually impaired persons as an enforceable human right.

54. That initiative was directly related to the Convention, particularly articles 9 and 30 thereof, and should be supported by the Conference of States Parties. She therefore called on the Committee on the Rights of Persons with Disabilities to consider the draft treaty as it related to several provisions of the Convention and to provide additional elements on the

rights of persons with disabilities in order to strengthen the WIPO initiative. She recognized the Committee's efforts to examine measures taken in implementation of the Convention at the national level; in the case of intellectual property rights, however, minimum standards of protection were set by treaties that were legally binding at the international level. Therefore, exceptions and limitations to those standards must also be established in a binding international treaty.

55. **Ms. Gendi** (Egypt) said that her country was implementing a strategy aimed at providing training for disabled persons and ensuring their full integration into and participation in society. The Ministry of Housing had disseminated guidelines regarding access to buildings and outside spaces. Another set of guidelines had been issued in order to regulate crèches for children with disabilities and promote early intervention. In 2006, her Government had drafted amendments to the legislation on training for persons with disabilities, taking into account the spirit of the Convention. The Ministry of Social Solidarity was preparing a database on regional training facilities.

56. The Higher Training Council, established in 1975, had been revitalized to ensure the balanced representation of disabled persons with the aim of examining and formulating policy. Her Government was actively promoting the rights of disabled persons in such areas as health, education, training, labour, small-scale enterprises and sports. It was vital that civil society and the United Nations should assist States parties in implementing the Convention.

57. **Mr. Al-Kuwari** (Qatar) said that Qatar had amended its legislation in order to bring it into line with the Convention and had established a Directorate for the Elderly and Persons with Disabilities in the Ministry of Social Affairs. Its mandate included the implementation of relevant strategies, plans and policies; development and implementation of welfare and rehabilitation programmes; organization of public education and awareness-raising activities; implementation of training programmes for those who worked with persons with disabilities; and organization of seminars, conferences and workshops. A draft national strategy for persons with disabilities (2010-2014) based, *inter alia*, on the Convention, would be implemented as part of Qatar's general strategy on the family.

58. **Mr. Ebner** (Austria) drew attention to the Convention's innovative, forward-looking provisions, including the possibility of accession by regional organizations. In that connection, his delegation strongly supported its ratification by the European Community. The Convention's success could be attributed to three causes: meaningful participation and cooperation of delegations during the meetings of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities; the fact that the negotiations had highlighted the exclusion that persons with disabilities faced and the need to ensure their inclusion; and the involvement of civil society, particularly persons with disabilities and their representative organizations, from the early stages of negotiations. He reiterated his delegation's commitment to the inclusion of non-governmental organizations (NGOs) at both the international and the national levels.

59. His Government was in the process of harmonizing its laws and practice with the Convention and, pursuant to article 33, paragraph 2, had established the Austrian Independent Monitoring Committee. The Committee's seven members, who served in their personal capacity, were nominated by the Austrian National Council of Disabled Persons. Four of those members represented organizations for persons with disabilities, two represented a human rights NGO and a development organization, respectively; and one was a university expert. The Monitoring Committee's rules of procedure provided for the equal participation of persons with disabilities in its activities, including reimbursement of the costs of travel, personal assistance and sign language.

60. The Monitoring Committee could receive and follow up on individual complaints and make general and specific recommendations to the public authorities. It supported awareness-raising activities by providing support for public bodies' implementation of the Convention and cooperated with domestic and international entities such as government focal points, monitoring bodies of other countries, the national body to be established pursuant to article 16, paragraph 3, of the Convention and the expert body in charge of the instrument's monitoring and implementation at the international level. To date, it had received six individual complaints involving the issues of job equality, independent living and personal assistance,

the right to family life and early childhood intervention. It also sought to place the issues arising from individual complaints in the larger context of the inclusion and participation of persons with disabilities. It had the right to inspect the files of relevant institutions and authorities, to take statements and request data and statistics from administrative bodies.

61. **Ms. Espinosa** (Ecuador) said that in recent years Ecuador had undergone major political and social change, including with regard to the rights of persons with disabilities. Act No. 180 had established the National Disability Council and the Rights of Persons with Disabilities Defence Network, which handled complaints of discrimination. The Disability Act had been amended to include fines of US\$ 250 to US\$ 5,000 for non-compliance and the Labour Code had been amended to require public and private companies with a minimum of 25 employees to hire persons with disabilities and ensure gender equality. Persons with disabilities made up 12.14 per cent of the nation's population; 50 per cent of them were poor. The Ecuador without Barriers Programme was being implemented under the leadership of the Vice President, who had a disability; the Programme sought to promote the social, economic, political and cultural inclusion and integration of persons with disabilities. The Manuela Espejo Solidarity Mission studied biological, psychological and social issues relating to such persons in order to gather information on the causes of disability and the number of disabled persons in Ecuador with a view to the setting of short-, medium- and long-term policies.

62. **Mr. Kim Dangho** (Republic of Korea) said that his country's 2008 Disability Discrimination Act had created an oversight and monitoring mechanism with the Ministry of Justice and a National Human Rights Commission. The Five-Year Plan for Persons with Disabilities (2008-2012) included a comprehensive set of policies in areas such as education, culture, welfare and participation and inclusion in society and was being implemented by all the relevant ministries.

63. His Government welcomed the Secretary-General's report on realizing the Millennium Development Goals for persons with disabilities through the implementation of the World Programme of Action concerning Disabled Persons and the Convention on the Rights of Persons with Disabilities (A/64/180) and looked forward to continuing

participation in discussions on the issue of mainstreaming disability issues into development.

64. **Ms. Gairola** (India) said that article 41 of the Indian Constitution emphasized that it was the responsibility of the State, within the limits of its economic capacity and development, to make effective provision for securing the right to work, to education and to public assistance in cases of, *inter alia*, disability. The 1992 Rehabilitation Council of India Act had led to the establishment of that Council, which regulated and monitored the training of rehabilitation professionals and personnel, promoted research in the fields of rehabilitation and special education and set minimum standards for education and related issues. The 1995 Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act had provided a clear definition of disability and mandated specific programmes in the areas of education, rehabilitation, employment, non-discrimination and social security.

65. The 1999 National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act sought to empower such persons to live independently and to participate as fully as possible in their communities. It also established procedures for the appointment of guardians and trustees and measures to facilitate equality of opportunity for persons with disabilities, protect their rights and ensure their full participation in society.

66. The 2006 National Policy for Persons with Disabilities recognized that such persons were a valuable human resource for the country. It established specific goals, including full acknowledgement and exercise of all their human rights and promotion of a broad commitment to accessibility, autonomy and equality of opportunity. The Policy took a three-pronged approach: physical rehabilitation, including early detection and intervention, counselling, medical treatment, provision of aids and appliances and training for rehabilitation professionals; educational rehabilitation, including vocational training; and economic rehabilitation with a view to a dignified life in society.

67. The Ministry of Social Justice and Empowerment and the Central Coordination Committee, chaired by its Minister and with stakeholder representation, coordinated matters relating to implementation of the

Policy. Similar committees existed in India's various states, and local bodies were involved in the district disability rehabilitation centres. The Chief Commissioner for Persons with Disabilities, at the central level, and the State Commissioners, at the State level, acted as ombudsmen to address the grievances of persons with disabilities and ensure proper implementation of the Act. India was also a member of the Global Partnership for Disabilities and Development (GPDD).

68. Since ratifying the Convention, the Government had begun the process of amending its legislation in order to bring it into line with the Convention. Several draft amendments were currently under consideration.

69. **Mr. Zhou Ningyu** (China) noted that persons with disabilities in all countries had suffered as a result of the current international financial crisis. It was therefore important for participants in the Conference to exchange experiences regarding their implementation of the Convention and to discuss ways of increasing cooperation in that endeavour.

70. A balance between human rights and social development was needed. States should incorporate disability issues into their macroeconomic and social planning and should adopt specific legislative, judicial, administrative and publicity measures to ensure that persons with disabilities could exercise their right to participate in decision-making at various levels and to have access to education and employment. Increased resources should be allocated to eliminating social discrimination against such persons and increasing the accessibility of infrastructures.

71. Attention should be paid to the special plight of persons with disabilities in developing countries. At present, developed countries and international organizations should focus on helping them weather the financial crisis by providing increased financial and technical assistance and capacity-building.

72. His Government had enacted a Law on the Protection of Persons with Disabilities, Regulations of the Education of Persons with Disabilities and Regulations on the Employment of Persons with Disabilities and every province, autonomous region and municipality had established local implementation measures. The judiciary and assistance agencies also provided legal services and assistance to persons with disabilities. Since China's ratification of the Convention in 2008, the Law had been amended to

bring it into line with the Convention by adding new provisions on accessibility, legal responsibility and the rights and interests of persons with disabilities. The Working Committee on Persons with Disabilities of the State Council was mandated to coordinate implementation of the Convention and the National People's Congress was responsible for related monitoring and inspections.

73. The Government had incorporated into its economic stimulus package measures to safeguard and improve people's lives and enhance social security. It had given persons with disabilities greater input into initiatives aimed at improving their living conditions and had stepped up efforts to build up the social security system and establish a comprehensive, integrated service system for such persons in order to facilitate their participation in social life and promote achievement of the Millennium Development Goals.

74. **Mr. Stenta** (Italy) said that unfortunately, complex parliamentary procedures had delayed Italy's ratification of the Convention. He proposed that the next Conference of States Parties should include a discussion of article 32 and, in particular, the role of international cooperation as an important opportunity for developing countries to share their experiences and developed countries their good practices.

*The meeting rose at 1.15 p.m.*

